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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,181	04/25/2006	Markus Hartmann	HH309KFM	1427
10/37 7590 04/15/2009 MILDE & HOFFBERG, LLP 10 BANK STREET SUITE 460 WHITE PLAINS, NY 10606				
EXAMINER				
YL, STELLA KIM				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
04/15/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/577,181

**Applicant(s)**

HARTMANN ET AL.

**Examiner**

Stella Yi

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The Amendment filed on March 2, 2009 has been entered and fully considered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by BRESSAN (EP 0303576).

Regarding claim 1, BRESSAN discloses a process for producing a thermoplastics plate comprising at least one smooth edge by:

mixing a thermoplastic in an extruder (Col.4, lines 27-34; Figure 1A);

extruding the plastic using a slot die to give a flat plastics web (Col.4, lines 35-44; Figure 1A and 1B);

cooling and calibrating the plastics web on a calendar roll pair (Col.4, lines 45-51; Figure 1A);

drawing off the plastics web (Col.1, lines 4-15); and

side edge of the plastics web is heated after calibration to at least a melting temperature (Col.2, lines 5-7) wherein heating the side edge of the plastic web is performed by flanges (guide grooves) (see 10 and 10' of Figure 6) of the thermoforming

device (6) (smoothing device) (Col.5, lines 24-27) to soften and close the side edges of the sheet (Col.5, lines 32-33; 36-39) (pressing the contact surface of the smoothing device against the side edge to smooth and densify the thermoplastic synthetic material) while the adjacent peripheral surface areas are maintained at a temperature below the softening point by cooling (Col.4, line 59 through Col.5, line 18).

Regarding claim 4, BRESSAN discloses longitudinally cutting the sides of the plastic web along the edges prior to heating the side edges (Col.2, lines 35-48).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over BRESSAN (EP 0303576) as applied to claim 1 above, and in further view of SALHOFER (3,429,959).

The teachings of BRESSAN are applied as described above for claim 1.

Regarding claim 2, BRESSAN does not explicitly disclose a hard PVC as the thermoplastic material. However, SALHOFER discloses a method of making foils of thermoplastic synthetic materials such as hard PVC by continuously extruding a wide web of said synthetic hard PVC (Abstract; Col.1, lines 40-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have

extruded the hard PVC plastic web of SALHOFER using the method of BRESSAN to produce a thermoplastic plate since BRESSAN's method is used for production of plastic materials and would avoid deformation of the general flatness and straightness of the edges of the thermoplastic plate (BRESSAN-Col.1, lines 44-50).

***Response to Arguments***

4. Applicant's arguments filed March 2, 2009 have been fully considered but they are not persuasive.

5. Applicant Argues:

a) The method for densification and smoothing of the side edge of an integral foam board is neither taught nor suggested by Bressan.

Examiner respectfully disagrees with the Applicant's above arguments and would like to point out the reason(s) as discussed in the rejection:

a) Bressan discloses an existing problem due to the roughness of the sharp edges which make the semifinished products awkward (Col.1, lines 32-34). Bressan teaches a thermoforming device (smoothing device) that smooths the side edges of the sheet and closes gaps to densify the sheet therefore solving the said problem of sharp edges. As discussed in the rejection, Bressan discloses side edge of the plastics web is heated after calibration to at least a melting temperature (Col.2, lines 5-7) wherein heating the side edge of the plastic web is performed by flanges (guide grooves) (see 10 and 10' of Figure 6) of the thermoforming device (6) (smoothing device) (Col.5, lines 24-27) to soften and close the side edges of the sheet (Col.5, lines 32-33; 36-39)

(pressing the contact surface of the smoothing device against the side edge to smooth and densify the thermoplastic synthetic material) while the adjacent peripheral surface areas are maintained at a temperature below the softening point by cooling (Col.4, line 59 through Col.5, line 18).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Yi whose telephone number is 571-270-5123. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SY

/Christina Johnson/

Supervisory Patent Examiner, Art Unit 1791